

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of M.S.F., Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LILLIAN GAMBLE,

Respondent-Appellant.

UNPUBLISHED

April 26, 2007

No. 275357

Saginaw Circuit Court

Family Division

LC No. 05-030025-NA

Before: Cavanagh, P.J., and Jansen and Borrello, JJ.

MEMORANDUM.

Respondent appeals as of right the order terminating her parental rights to her minor child under MCL 712A.19b(3)(c)(i) and (g). We affirm.

A petitioner must establish at least one statutory ground for termination of parental rights by clear and convincing evidence. *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003). We must affirm a lower court's decision if there was clear and convincing evidence of any statutory ground, regardless whether the lower court erred in finding sufficient evidence under other statutory grounds. *In re Sours*, 459 Mich 624, 640-641; 593 NW2d 520 (1999).

In the present case, petitioner offered sufficient evidence that respondent had not rectified the conditions that led to adjudication and was not likely to within a reasonable time, MCL 712A.19b(3)(c)(i). We defer to the trial court's ability to determine respondent's credibility when she claimed she only tested positive for marijuana because she was trapped in a car with a smoker. See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent's therapist testified that respondent admitted she smoked marijuana a month earlier, and respondent explained that she initially believed only cocaine was a problem. Respondent waited so long to start making progress that even her abstention from cocaine was not well-established at the time of termination. See *In re CR*, 250 Mich App 185, 195-196; 646 NW2d 506 (2002). Further, respondent was unemployed and financially dependent on a fiancé who only recently obtained employment. The same evidence supported the lower court's finding that respondent failed to provide proper care and custody and was not likely to within a reasonable time, MCL 712A.19b(3)(g).

Whenever a lower court finds a statutory ground for termination, it must terminate parental rights unless termination was clearly against the child's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000). There was no specific evidence regarding the bond between respondent and the child. Respondent argues that it was in the child's best interests to allow her more time to rehabilitate. However, the child's need for permanence was also relevant. See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). Respondent waited too long to choose her child over drugs and begin rehabilitation and declined to follow the recommendation for inpatient substance abuse treatment. The lower court did not err when it held that termination was not clearly against the child's best interests and terminated respondent's parental rights.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Stephen L. Borrello